

the correctness of the location of such subdivision load line marks, and is otherwise in compliance with the applicable requirements of law and regulations in this part.

(c) No passenger vessel of the United States of 150 gross tons or over and subject to 46 U.S.C. 5101–5116, shall engage in coastwise voyages or voyages on the Great Lakes unless such vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

(d) No foreign passenger vessel belonging to a country that has ratified or acceded to the applicable International Convention for Safety of Life at Sea shall arrive or depart from any port or place under the jurisdiction of the United States, and no foreign passenger vessel subject to 46 U.S.C. 5101–5116, shall arrive or depart from any port or place under the jurisdiction of the United States, including ports on the Great Lakes, unless that vessel has been marked with subdivision load lines in accordance with the regulations in this part and has on board a valid certificate certifying to the correctness of the location of such subdivision load line marks.

(e) Subdivision load lines shall be marked on both sides of passenger vessels where determined and in a manner described in subpart 46.15 as applicable to the vessel's service. The subdivision load line certificates shall be in accordance with §§ 46.10–30 and 46.10–35.

[CGFR 65–50, 30 FR 16769, Dec. 30, 1965 as amended by CGD 80–120, 47 FR 5723, Feb. 8, 1982; CGD 97–057, 62 FR 51044, Sept. 30, 1997; USCG–1998–4442, 63 FR 52190, Sept. 30, 1998]

#### § 46.01–20 Penalties for violations.

(a) Penalties for violations of the regulations in this part by passenger vessels of the United States engaged in foreign voyages shall be in accordance with those laws which require the inspection and certification of the vessel. In addition, for passenger vessels subject to 46 U.S.C. 5101–5116, which engage in voyages described in § 42.03–5, § 42.03–10, or § 45.01–1, the penalties for violations of the regulations in this part

shall be those set forth in the load line act applicable to the vessel.

(b) For a further description of the actions which may be taken see § 42.07–50, of this subchapter. The procedures governing the assessment, collection, remission and mitigation of any monetary penalty imposed for a violation of a law or the regulations prescribed thereunder in this part, as well as the appeal procedures followed, are in subpart 2.50 of part 2 of subchapter A (Procedures Applicable to the Public) of this chapter.

[CGFR 65–50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68–60, 33 FR 10077, July 12, 1968; CGD 80–120, 47 FR 5723, Feb. 8, 1982; CGD 97–057, 62 FR 51044, Sept. 30, 1997]

### Subpart 46.05—Definitions Used in This Part

#### § 46.05–1 Passenger vessel.

(a) For the purpose of the regulations in this part, a vessel is a passenger vessel if:

(1) Engaged on an international voyage by sea, it carries or is authorized to carry more than 12 passengers; or,

(2) Engaged on a coastwise voyage by sea or a voyage on the Great Lakes, it carries or is authorized to carry more than 16 persons in addition to the crew.

#### § 46.05–10 Foreign voyage.

(a) A foreign voyage for the purpose of marking passenger vessels with subdivision load lines is a voyage by sea between a port under the jurisdiction of the United States and a port of a foreign country, its colonies, territories, or protectorates, or conversely (a voyage exclusively on the Great Lakes excepted).

#### § 46.05–15 Coastwise voyages.

(a) A coastwise voyage by sea, for the purpose of marking passenger vessels with subdivision load lines, is a voyage in which a vessel in the usual course of her employment proceeds from one port or place in the United States to another port or place in the United States or from a port or place in a possession to another port or place in the same possession, and passes outside the line dividing inland waters from the high seas (a voyage exclusively on the

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Great Lakes excepted), as well as a voyage in which a vessel proceeds from a port or place in the United States or her possessions and passes outside the line dividing inland waters from the high seas and navigates on the high seas, and then returns to the same port or place.

### **§ 46.05–20 Great Lakes voyage.**

A Great Lakes voyage is any voyage from a United States port or place on the Great Lakes to another United States port or place on the Great Lakes or to a Canadian port or place on the Great Lakes, or conversely.

### **§ 46.05–25 New passenger vessel.**

A new passenger vessel is a vessel whose keel was laid or was a vessel converted into a passenger vessel on or after May 26, 1965.

[CGFR 65–50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68–60, 33 FR 10077, July 12, 1968]

### **§ 46.05–30 Existing passenger vessel.**

An existing passenger vessel in respect to its voyage is any passenger vessel that is not a new passenger vessel as defined in § 46.05–25.

## **Subpart 46.10—Administration**

### **§ 46.10–1 Relaxation from regulations.**

(a) New passenger vessels making foreign voyages by sea shall comply with the requirements in this part. An existing passenger vessel engaged in foreign voyages by sea may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U.S. Coast Guard, such requirements are unreasonable or impracticable.

(b) A new passenger vessel making coastwise voyages by sea or making Great Lakes voyages shall comply with the requirements in this part. An existing passenger vessel making coastwise voyages by sea or Great Lakes voyages may be permitted relaxation from the requirements of this part if, in the opinion of the Commandant, U.S. Coast Guard, such requirements are unreasonable or impracticable.

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### **§ 46.10–5 Load line requirements for subdivision.**

(a) The load line requirements of parts 42, 44, 45 of this subchapter as applicable to the passenger vessel and her service, shall be complied with before a passenger vessel will be marked with and certificated as to subdivision load lines.

[CGFR 65–50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68–60, 33 FR 10077, July 12, 1968]

### **§ 46.10–10 Marks to indicate subdivision load lines.**

(a) Marks to indicate the maximum mean draft to which a passenger vessel may be lawfully submerged shall be permanently marked on each side of the passenger vessel in the form, manner, and location provided in this part.

(b) The Commandant, U.S. Coast Guard, will determine the position of the subdivision load lines by the application of the requirements contained in this part and parts 170 and 171 of this chapter. The correct marking of subdivision load lines will be certified by the American Bureau of Shipping or a classification society approved by the Commandant for that purpose.

(c) Certificates certifying to the correctness of subdivision load line marks shall not be furnished until it is determined that the marks have been correctly placed upon the passenger vessel.

(d) In the case of passenger vessels that are required by the International Convention for Safety of Life at Sea to have on board a safety certificate, the certification of subdivision, load line marks shall be made by letter to the Commandant (G-M), U.S. Coast Guard, Washington, DC 20593–0001.

[CGFR 65–50, 30 FR 16769, Dec. 30, 1965, as amended by CGFR 68–60, 33 FR 10077, July 12, 1968; CGD 79–023, 48 FR 51007, Nov. 4, 1983; CGD 88–070, 53 FR 34534, Sept. 7, 1988]

### **§ 46.10–15 Survey for the establishment and renewal of subdivision load line marks.**

(a) Every passenger vessel to be marked with and certificated for subdivision load lines must comply with the requirements as set forth in subchapter H (Passenger Vessels) of this chapter for ocean, coastwise, and Great